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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,132	07/31/2003	James Lesesne Bush III	2001-0696.04	2475
7590 07/10/2008				
Ronald K. Aust Taylor & Aust, P.C. 12029 E. Washington Street Indianapolis, IN 46229			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 07/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,132

Applicant(s)

BUSH ET AL.

Examiner

Khanh Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Remarks filed on 4/4/2008. Claims 11-22 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall, US pub. No.2002/0138614 (hereafter Hall) in view of Slobodin et al., US Pub. No.2003/0072429 A1.

As to claim 11, Hall discloses a method of communicating with an apparatus connected to a computer network, wherein communication over said network is facilitated through use of network packets, said method comprising the steps of:

defining a data channel associated with said networking hardware and instructing said networking hardware to accept information on said data channel from a user that owns said data channel (see abstract, fig.5, [0031] to [0035]);
processing automatic Internet Protocol (IP) address negotiation network packets with said imaging apparatus firmware when said data channel is not owned; and

processing second types of network packets, different from said automatic IP address negotiation network packets, by said networking hardware of said shared imaging apparatus when said data channel is owned (see [0035] to [0038]).

Hall does not specifically disclose providing said shared imaging apparatus with networking hardware and providing said shared imaging apparatus with imaging apparatus firmware. However, Slobodin in the same network environment discloses providing said shared imaging apparatus with networking hardware and providing said shared imaging apparatus with imaging apparatus firmware (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

As to claim 12, Hall discloses the step of processing automatic IP address negotiation network packets including at least one of constructing, sending and receiving said automatic IP address negotiation network packets (see [0036] to [0039]).

As to claim 13, Hall discloses that when said data channel is not owned, then determining whether to place said shared imaging apparatus in an automatic IP address

negotiation state, and if said shared imaging apparatus is placed in said automatic IP address negotiation state, then attempting to automatically assign an IP address to said shared imaging apparatus (see [0033] and [0036] to [0039]).

As to claim 14, Hall discloses that said IP address is assigned automatically using a Dynamic Host Configuration Protocol (DHCP) (see fig.6, [0040] to [0041]).

As to claim 15, Hall discloses that said automatic IP address negotiation network packets including Dynamic Host Configuration Protocol (DHCP) packets and Address Resolution Protocol (ARP) packets (see fig.6, [0040] to [0041]).

As to claim 16, Hall discloses that said second types of said network packets comprises a proprietary protocol packet (see [0033] and [0036] to [0039]).

As to claim 17, Hall does not specifically disclose imaging data. However, Slobodin in the same network environment discloses imaging data (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

As to claim 18, Hall discloses that said data channel is not owned, then determining whether to place said apparatus in an automatic Internet Protocol (IP) address negotiation state, and if said apparatus is placed in said automatic IP address negotiation state, then attempting to automatically renew a current IP address for said apparatus (see [0036] to [0040]). Hall does not specifically disclose a shared imaging apparatus. However, Slobodin in the same network environment discloses providing a shared imaging apparatus (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

As to claim 19, Hall discloses that renewal of said current IP address is accomplished using a Dynamic Host Configuration Protocol (DHCP) (see fig.6, [0040] to [0041]).

As to claim 20, Hall discloses said apparatus is in an idle state, then determining whether to place said shared imaging apparatus in an automatic Internet Protocol (IP) address negotiation state, and if said apparatus is placed in said automatic IP address negotiation state, then attempting to automatically assign an IP address for said

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apparatus (see fig.6, [0038] to [0041]). Hall does not specifically disclose a shared imaging apparatus. However, Slobodin in the same network environment discloses providing a shared imaging apparatus (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

As to claim 21, Hall discloses said networking hardware accepts said second types of network packets on said data channel only from said user that owns said data channel (see fig.5, [0038] to [0040]). Hall does not specifically disclose a shared imaging apparatus. However, Slobodin in the same network environment discloses providing a shared imaging apparatus (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

As to claim 22, Hall discloses said apparatus is in an imaging state, said networking hardware disregards all said automatic IP address negotiation network packets and all imaging data packets received from any user that does not own said data channel (see fig.6, [0038] to [0041]). Hall does not specifically disclose a shared imaging apparatus. However, Slobodin in the same network environment discloses providing a shared imaging apparatus (using two image source devices are used to generate image content concurrently and share the image content between the sites, see abstract, fig.9, [0023] and [0075] to [0079]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Slobodin's teachings into the computer system of Hall to process data images because it would have established a data communication session via the data network for convenient transmission of image data between the sites.

Response to Arguments

5. Applicant's arguments filed on 4/4/2008 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose shared imaging apparatus with networking hardware and providing said shared imaging apparatus with imaging apparatus firmware.

Examine respectfully disagrees. Examiner respectfully point out that Slobodin in the same network environment discloses providing said shared imaging apparatus (local and/or remote computer network station) with networking hardware and providing said shared imaging apparatus with imaging apparatus firmware (software) (using two image source devices are used to generate a collaborative visual representation image content concurrently and share the image content between the local and remote sites by local and remote computer stations in a data conference, displaying of shared images from multiple image sources to users/participants and implementing address negotiation procedure with hardware and software, see abstract, fig.9, [0023] and [0075] to [0079]).

- Applicant asserts that the cited reference does not disclose instructing said networking hardware to accept information on said data channel from a user that owns said data channel, processing automatic Internet Protocol (IP) address negotiation network packets with said imaging apparatus firmware when said data channel is not owned; and processing second types of network packets, different from said automatic IP address negotiation network packets, by said networking hardware of said shared imaging apparatus when said data channel is owned.

Examiner respectfully point out that Hall discloses instructing said networking hardware to accept information on said data channel from a user that owns said data channel (determination if the request for connection is secured and whether the network address is valid for further data processing, see abstract, fig.5, [0031] to [0035]),

processing automatic Internet Protocol (IP) address negotiation network packets with said imaging apparatus firmware when said data channel is not owned (attempting to resend a predetermined number of times to get a valid IP address if the DHCP does not return a valid network IP address, see [0035] to [0036]); and processing second types of network packets, different from said automatic IP address negotiation network packets, by said networking hardware of said shared imaging apparatus when said data channel is owned (if a valid network IP address is received from the DHCP server, the assigned network IP address is used to complete the secure connection, see [0035] to [0038]).

Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claim 11. Claims 12-22 are also rejected at least by virtue of their dependency on independent claim and by other reasons set forth in the previous office action [see paper mailed 1/10/2008]. Accordingly, claims 11-22 are respectfully rejected.

Conclusion

6. Claims 11-22 are rejected.
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

/Khanh Dinh/

Primary Examiner, Art Unit 2151